

# Independent Disbursements of Corporations and Non-Political Organizations

This Guideline is provided as an information resource only. For authoritative advice, contact the Wisconsin Government Accountability Board.

Under Wisconsin Statutes and federal case law, independent disbursements may be made by individuals, registered political committees, and other organizations subject to certain registration and reporting requirements. This Guideline summarizes regulations applicable to the latter category of organizations, including corporations, which are not organized primarily for political purposes, and which may make independent disbursements without being subject to all of the restrictions applicable to political committees

**Independent Disbursement Organizations:** This Guideline applies to for-profit and non-profit corporations and other organizations which are primarily organized for non-political purposes, and which are referred to in this Guideline as Independent Disbursement Organizations. This Guideline does not apply to individuals or political committees. Independent Disbursement Organizations are permitted to accept contributions for, and to make, independent disbursements subject to the registration and reporting requirements described in this Guideline.

**What is an independent disbursement?** Wisconsin Statutes define an independent disbursement as a payment used to advocate the election or defeat of a clearly identified candidate for state or local office. To be independent, a disbursement must be made without cooperating or consulting with any candidate or candidate's agent or authorized committee who is supported by the independent disbursement. The disbursement must not be made in concert with, or at the request or suggestion of, any candidate, candidate's agent or authorized committee of a candidate who is supported by the disbursement.

**Reporting and registration requirements for independent disbursements related to candidates:** An Independent Disbursement Organization which accepts contributions for, incurs obligations for, or makes independent disbursements exceeding \$25 in the aggregate in a calendar year in support of or in opposition to a state or local candidate, must comply with the following requirements:

- 1) Designate a depository account for the deposit of all political contributions and payment of all political disbursements.
- 2) Designate a treasurer who must authorize all political disbursements and obligations.
- 3) Register with the Government Accountability Board if independent disbursements are made which advocate the election or defeat of an identified candidate for state office, or register with the local filing office if the disbursements advocate the election or defeat of an identified candidate for local office, using Form GAB-1.

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- 4) Pay an annual filing fee of \$100 to the Board if the aggregate independent disbursements exceed \$2500 in a calendar year.
- 5) File the oath for independent disbursements with the appropriate filing officer using Form GAB-6.
- 6) File campaign finance reports, using Forms GAB-2 and GAB-7, listing both contributions received and expenditures incurred, for the purpose of making independent disbursements.
- 7) Include an attribution statement in all independent disbursements indicating the source of the disbursement, the name of the treasurer or other authorized agent of the organization, and indicating that the communication is not authorized by any candidate or candidate's agent or committee.

**Regulation of contributions and expenditures:** Independent Disbursement Organizations may receive unlimited contributions from individuals, corporations, and political committees, but may not coordinate disbursements with a candidate benefiting from the disbursement. A corporation or other Independent Disbursement Organization may make political contributions from its corporate account to another Independent Disbursement Organization. The contribution must be reported as a receipt by the receiving organization, and must be deposited into that organization's separate depository account. A separate depository account may be used only to deposit contributions and to make independent disbursements. An Independent Disbursement Organization may not make contributions to candidates or to political action committees.

**Legal references:** §§11.01, 11.05(2), 11.055, 11.06, 11.23, 11.30, 11.38, *Wisconsin Statutes*; *Citizens United v. FEC*, 130 S. Ct. 876 (2010); *OAG-05-10* (Aug 9, 2010).